

This bill was filed on the 29th of January, 1827, by Samuel Watkins, Augustus Watkins, Charles Watkins, Ann Watkins, Jane Watkins, and Eliza Watkins, infants, by Benjamin Watkins their next friend, against Thomas J. Dorsett. The bill states, that Samuel W. Clagett, by his will, made on the 21st of July, 1815, bequeathed certain negro slaves to the infant plaintiffs, and appointed Walter Clagett his executor; that Samuel died soon after, and Walter, having taken upon himself the office of executor, returned an inventory of his testator's personal estate on the 3d of June, 1817; and on the 9th of April, 1819, passed a final account, in which he is represented to have paid in satisfaction of claims against his testator the sum of \$343.18 more than the amount of moneys received by him; that, soon after the settlement of this final account, he transferred and delivered to the legal guardian of these infant plaintiffs, for their use, the several specific legacies which had been bequeathed to them by his testator; and acknowledged himself to be perfectly satisfied and paid; that afterwards, in the year 1819 or 1820, Walter Clagett died; and the defendant, who had married his daughter, and was thus interested in having this alleged claim against the testator Samuel established,

* had obtained letters of administration *de bonis non* on the **531** estate of the testator Samuel W. Clagett, and had advertised for sale, and was about to sell those very slaves, which had been so specifically bequeathed and delivered to these plaintiffs. The plaintiffs, by their bill, averred, that no debt was then due on the final account of the late Walter Clagett; that it had been satisfied; that no suit had ever been instituted to establish it; and that it was barred by the Statute of Limitations. Whereupon the plaintiffs prayed, that they might have an injunction to prevent the defendant from making sale of the property so bequeathed to them; and that they might have relief, &c. The injunction was granted as prayed.

The defendant put in his answer, in which he admits the facts as stated in the bill; but denies that the claim had ever been paid; and insists, that it could not be barred by the Statute of Limitations, as there had not been, until he administered on the estate of Samuel W. Clagett, any one against whom suit for its recovery could have been brought, and that it was with him alone to admit or deny the existence of the debt.

Upon this answer the defendant gave notice of a motion to dissolve the injunction: on the hearing of which on the 17th of March, 1827, it was continued until the final hearing or further order. After which a commission was issued, under which testimony was taken and returned, and the case set down for final hearing.